



***United States Attorney
District of New Jersey***

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**TRUCK DRIVER SENTENCED TO 37 MONTHS IN PRISON FOR CONSPIRACY
TO STEAL OVER \$1.6 MILLION WORTH OF RECYCLABLE BATTERIES**

TRENTON, N.J. –A truck driver from Delaware who conspired with others to steal over \$1.6 million worth of recyclable lead batteries and sell them to various scrap yards in New Jersey, New York and Pennsylvania, was sentenced today to 37 months in prison, United States Attorney Paul J. Fishman announced.

Derrick Fry, 41, of Delaware City, Del., previously pleaded guilty to an Information charging him with one count of conspiring to receive, possess and sell the stolen batteries belonging to Johnson Control, Inc. (JCI), a manufacturer of lead batteries. The batteries were worth approximately \$1,692,855. Fry entered his guilty plea before U.S. District Judge Peter G. Sheridan, who also imposed the sentence today in Trenton federal court.

According to documents filed in this case and statements made in court:

Fry admitted, that from November 2005 to October 2007, he, along with his co-conspirators Parke Reese III and Kenneth Brown, devised a scheme to defraud JCI and use the proceeds of the fraud for their personal benefit. As a truck driver for two transportation companies that provided third party transportation and distribution of JCI batteries, he, Reese, and Brown would often transport new batteries to various JCI vendors located in New Jersey, Connecticut, Massachusetts, Rhode Island and Pennsylvania. They also picked up used lead batteries from the vendors and transported them to smelters owned by JCI. Fry admitted that in many instances, they would also pick up recyclable lead batteries from JCI's holding yard in Florida, N.Y., and, instead of delivering the batteries for smelting, would steal and sell them to various used battery recyclers located in Pennsylvania and New Jersey and share the proceeds.

As part of his plea agreement, Fry agreed to forfeit a classic Oldsmobile and a Stingray speedboat. According to testimony at the sentencing hearing, however, only the car was turned over to the government. The government contends that Fry improperly caused the sale of the boat.

In addition to the prison term, Judge Sheridan sentenced Fry to three years of supervised release and ordered him to pay \$1,692,855 in restitution.

Fry's co-conspirator, Reese, who pleaded guilty on Dec. 18, 2008, was sentenced by Judge Sheridan to one year and a day in prison and ordered to pay \$1,692.855 in restitution on Apr. 12, 2010. Brown, who pleaded guilty to the conspiracy on Jan. 4, 2010, was also sentenced today by Judge Sheridan to 15 months in prison, three years of supervised release and ordered to pay \$1,692,855 in restitution.

U.S. Attorney Fishman credited special agents of the Federal Bureau of Investigation, under the direction of Michael B. Ward, with the investigation leading to today's sentence.

The government is represented by Assistant United States Attorney Deborah J. Gannett. of the U.S. Attorney's Office Criminal Division in Newark.

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Defense counsel: Gary Cutler, Esq., New York, for Derrick Fry; David Holman, Esq., Newark, N.J. for Kenneth Brown; and Jordan Zeitz, Esq., Haddonfield, N.J.; for Parke Reese III.